

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY NEW DELHI PRIORITY

UNCLAS STATE 150191

E.O. 11652: N/A

TAGS:CGEN, IN, US

SUBJECT:CONSULAR CONVENTION

REF: DELHI 6072, 9119; STATE 98247

1. MULLIN AND SHAMWELL NEGOTIATING WITH ITALIANS IN ROME
NOW, WILL RETURN O/A JULY 6. MEANWHILE, FOLLOWING ARE
EXCERPTS FROM MEMCON OF MAY 23, 1977 DISCUSSION WITH
INDIAN EMBASSY COUNSELOR SHANKAR RAO, AND 1ST SECY(CONSULAR)
MAHENDRA SABHARWAL. COPY BEING SENT EMB NEW DELHI TODAY,

2. ON MAY 23, AT THEIR REQUEST, INDIAN EMBOFFS CAME TO
DEPT TO DISCUSS U.S. PROPOSAL TO NEGOTIATE CONSULAR TREATY
AND US DRAFT, IN ACCORDANCE WITH INSTRUCTIONS FROM JAGOTA
(DELHI 5941, 4/26/77). RAO ADVANCED SEVERAL QUESTIONS:

(A) MATTER OF ESTATES OF SENDING STATE NATIONALS WHO ARE
PERMANENT RESIDENT ALIENS OF RECEIVING STATE;

(B) NOTIFICATION OF NATURALIZATION OF SENDING STATE
NATIONALS (THIS CARRIES PRIVACY ACT IMPLICATIONS);

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(C) COMMUNICATIONS WITH NATIONALS OF SENDING STATE IN
EVENT OF RESTRICTION OF FREEDOM (WHAT ABOUT CASES OF
VOLUNTARY DEPARTURE VICE ARREST AND DEPORTATION?)

(D) MEANING OF TERM "RECIPROCITY" IN ARTICLE 23 (RE
TRAVEL IN BORDER AREAS).

3. DEPTOFFS EXPLAINED GAO INSISTENCE ON TREATY CONCLUSION
WITH AS MANY COUNTRIES AS POSSIBLE AND PRESSED FOR EARLY

AGREEMENT TO COMMENCE NEGOTIATIONS. DISCUSSION THEN CENTERED ON IMMUNITIES AND LACK OF EXEMPTION OF CONSULAR (AND DIPLOMATIC) OFFICERS FROM DAMAGES IN MOTOR VEHICLE ACCIDENTS. SHAMWELL EXPLAINED CHANGE IN DEPT'S THINKING SINCE 1961 RE SUCH EXEMPTION, BUT EMPHASIZED THAT CONSULAR AND DIPLOMATIC PRIVILEGES AND IMMUNITIES SHOULD BE EQUAL FOR BOTH GROUPS IN ALL AREAS.

4. EMB REFTEL AND REMARKS RE ARTICLE 40 WILL BE ADDRESSED IN NEXT MEETING WITH INDIANS. PLEASE NOTE THAT NEGOTIATIONS WILL BE CARRIED OUT BY DEPT RPT DEPT OFFICERS IN DELHI OR WASHINGTON AS SOON AS MUTUALLY SATISFACTORY TIMING ARRANGEMENTS CAN BE MADE WITH INDIAN REPS. FYI: SABHARWAL (PARA 1) TRANSFERRING TO MINEXTAFF DELHI IN JULY, ON NORMAL CYCLE. VANCE

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